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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,782	07/01/2003	Budd O. Libby	2605/69513/RDK	9688
7590 Robert D. Katz Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			EXAMINER HARPER, TRAMAR YONG	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/612,782	Applicant(s) LIBBY ET AL.	
	Examiner Tramar Harper	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of Request for Continued Examination filed 5/22/07. Examiner acknowledges receipt of amendment/arguments filed 4/23/07. The arguments set forth are addressed herein below. Claims 1-12 & 14-19 remain pending and Claim 13 has been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 & 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves (6,955,604).

Claims 1, 2, 9, 14, and 16: Graves teaches the invention of a bingo game apparatus that comprises of a random number or bingo game generator, which provides the sequence of numbers for the bingo game, an animation drawing subsystem, which pre-recorded video clips are played corresponding to each drawn bingo number, and a remote point of sale site, where participants purchase bingo tickets electronically through a remote computer before the game starts (Spec: Col. 5, Paragraphs 4-5; Col. 8, Paragraph 2). The pre-recorded video clips can take the form of a live bail caller or person that draws and announces the numbers or it can take the form of an animated character performing the same function (Spec: Col. 4, Paragraph 3). Graves teaches

that as the bingo game events occur the host computer transmits data and code related to the respective pre-recorded clips, which are stored at the remote terminals; and the remote terminals use the codes to compile a video representation of the bingo game events (Col. 6:33-44). Graves excludes the animation drawing subsystem located at a bingo web server or the host/server side of the network. Graves teaches that the host side generates codes related to the respective pre-recorded video clips located at the client-side and the clients use the codes to compile the video representation of the bingo events. However, Applicant has not disclosed that having the animation subsystem at the server side solves any stated problem or it's for any particular purpose. Moreover, it appears that the subsystem of Graves, or the applicant's invention, would perform equally well with the animation subsystem at either location. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified Graves such that the animation subsystem such is located at the server-side of the network because such a modification would have been considered a mere design consideration which fails to patentably distinguish itself over Graves.

Claims 3 - 6, 8, 11-12, and 17-19: Graves invention comprises of a base location and at least one remote location, which are linked via the Internet. The base location comprises of a central host computer and a verifier computer (Fig. 1, 7). The central host computer transmits information such as the bingo cards played to the verifier computer. The verifier computer stores the bingo cards played onto a database, which is categorized by a serial number assigned to each bingo card. When the game is in

progress the verifier computer receives the randomly drawn numbers of the bingo game and the serial number of any claimed winning card from the central computer. The verifier computer uses the serial number to find the claimed winning card in the database and then compares the card to the drawn numbers to determine if the claimed card is a winner (Spec: Col. 5, Paragraph 3). The verifier computer further transmits an id number that activates an algorithm to the remote computers. The algorithm instructs each remote computer to display the claimed and already stored winning card to a monitor via the internet, which is interpreted as displaying a video segment that corresponds to the winning sequence of numbers (Spec: Col. 7 - Paragraph 1, Col. 8 – Paragraph 3). If the claimed card is not a winner the game continues until a winning card is found, which is interpreted as the verifier computer comparing a plurality of claimed winning cards until the winner is found (Specification – Paragraph 26). It is inherent in the art that computer have a processor, a storage device, and some type of programmable executables in order to function, and that a computer uses the internet as a transmission means.

Claim 7,10, and 15: Graves invention teaches the use of a network that comprises of a game host or central system linked via the Internet to remote sites. Players are able to participate at these remote sites through client computers. Participants use software already installed on the central system and remote computers to interact through the internet. It is inherent in the art that a website is a means to interact with a host and remote computers. (Spec: Col: 8, Paragraph 3)

Response to Arguments

Applicant's arguments filed 4/23/07 have been fully considered but they are not persuasive. Applicant respectfully submits that Graves contains no discussion of how to operate a lottery game, much less a lottery that uses a simulated bingo game format to announce randomly select lottery winners. Examiner respectfully disagrees because Graves clearly discloses a bingo game which is a type of lottery game well known in the art wherein the results corresponding to drawn bingo numbers are displayed to the player using animated pre-recorded clips. The numbers are drawn based on a random number generator. Furthermore, if a card is a winning card the card is displayed to the remote locations in a simulated bingo game format (see above). The Examiner interprets a lottery to be any type of game involving chance based on a random drawing. Therefore, the previous rejection is maintained.

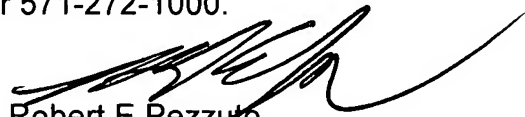
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714

TH

6/14/07